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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,448	10/07/2003	Michael Grant	CDM:4002.9999	4476

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Chernoff Vilhauer McClung & Stenzel, L.L.P.
1600 ODS Tower
601 SW Second Avenue
Portland, OR 97204-3157

EXAMINER

MARSH, STEVEN M

ART UNIT PAPER NUMBER

3632

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

M

Office Action Summary

Application No.

10/680,448

Applicant(s)

GRANT, MICHAEL

Examiner

Steven M Marsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10072003</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This is the first office action for U.S. Application 10/680,448 for Interlocking Fasteners for Mounting Wall-Hung Articles filed by Michael Grant on October 7, 2003.

Claim Objections

Claim 1 is objected to because of the following informalities: The word "planer" should be deleted and replaced with - - planar - -. The 3rd from the last line of claim 1, the word - - and - - should be inserted between "inwardly" and rearwardly". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6, 7, 9, and 10 rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,322,039 B1 to De Luccia. De Luccia discloses an elongate clip (see fig. 2) with a planar first side (32) and a planar second side (20) which is parallel to the first side and is separated therefrom to provide a predetermined clip width. There is a contact surface (portion including the topmost surface of the clip, containing the portion extending down to the stepped

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portion between 32 and 16) that extends between the first side and second sides along an elongate edge of the clip. The contact surface has a Z-shape in cross section, and includes a first face (the topmost surface of the clip) which angles inwardly and forwardly from the first side at a predetermined angle (90 degrees with respect to the first and second sides), and a second face (portion extending inward from 20, towards 32) that angles inwardly and rearwardly from the second side at a second predetermined angle (90 degrees with respect to the first and second sides). There is a third face (the portion directly opposite 32) that is longer than the first and second faces, and the third face is at a third predetermined angle (0 degrees) with respect to the first and second sides, which is less than the first and second angles. A portion of the first side is recessed towards the second side (the portion containing 22) and there is at least one opening (that receives fastener 26) which extends from the recess to the second side.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLuccia. DeLuccia does not disclose the specific angles of the first,

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second, or third angles. However, the specific angle is a matter of design preference that would have been obvious to one of ordinary skill in the art at the time of the present invention for the purpose of modifying the shape of the clip for different structures.

Claims 4, 5, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLuccia in view of U.S. Patent 6,241,210 B1 to Brindisi. De Luccia does not disclose distal extremities with rounded ends offset from the first and second faces. Brindisi provides a teaching for providing a rounded distal end (827 of fig. 47) offset from the face of a hooking portion on a wall. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided the faces taught by DeLuccia with rounded, offset distal extremities, as taught by Brindisi, for securely fitting two objects together. DeLuccia in view of Brindisi does not disclose the specific distance between the offset and each face, but that is a matter of design preference that would have been obvious to one of ordinary skill in the art at the time of the present invention.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,286,802 B1 to Munson et al.

U.S. Patent 1,883,834 to Turner

U.S. Patent 4,385,744 to Sherman et al.

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U.S. Patent 5,961,090 to Parkin

U.S. Patent 4,228,982 to Sellera

U.S. Patent 6,510,635 B1 to Rudolph et al.

U.S. Patent 5,685,516 to Simmons

U.S. Patent 4,712,761 to Wassell

The above patents all disclose various clips or wall fasteners.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.



Steven M. Marsh

June 21, 2004



LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER